

In the United States Court of Federal Claims

No. 20-281C

(E-Filed: November 17, 2020)

PETER JOSEPH POLINSKI,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

In the court's July 10, 2020 and August 24, 2020 orders, plaintiff was advised that his suit was at risk of dismissal pursuant to RCFC 41(b) if he failed to meet court deadlines or comply with court orders. See ECF No. 10 (sua sponte enlargement of time order warning plaintiff of dismissal under RCFC 41(b)); ECF No. 11 (show cause order). Defendant's motion to dismiss was filed on May 11, 2020. See ECF No. 9. Thus, the court has afforded plaintiff 190 days to file his response brief to defendant's motion to dismiss. As of the filing of this order, plaintiff has failed to respond to the court's July 10, 2020 and August 24, 2020 orders. Because plaintiff has not been diligent in prosecuting his case, the court will dismiss plaintiff's suit pursuant to RCFC 41(b) for failure to prosecute, which "operates as an adjudication on the merits." RCFC 41(b).

Accordingly, defendant's motion to dismiss is **DENIED** as moot; and, the clerk's office is directed to **ENTER** final judgment **DISMISSING** plaintiff's complaint for lack of prosecution pursuant to Rule 41(b) of the Rules of the United States Court of Federal Claims, without prejudice.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith

PATRICIA E. CAMPBELL-SMITH

Judge